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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,746	08/05/2003	Denny Jaeger	4312	9666

7590 10/02/2007
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Suite 710
1330 Broadway
Oakland, CA 94612

EXAMINER

ROSWELL, MICHAEL

ART UNIT	PAPER NUMBER
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2173

MAIL DATE	DELIVERY MODE
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10/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/635,746

Applicant(s)

JAEGER, DENNY

Examiner

Michael Roswell

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

This Office action is in response to the claims election filed 5 July 2007.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-12 and 15-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris et al (US Patent 6,097,389), hereinafter Morris, and Iwema et al (US Patent 7,137,077), hereinafter Iwema.

Regarding claim 4, Morris teaches a method for creating a sequential media presentation, providing graphic elements that represent media (taught as the thumbnail representation of an image file, at col. 13, line 63 through col. 4, line 8), and displaying desired media corresponding to the graphic elements (taught as the display of selected media in an album, at col. 2, lines 12-22).

Morris fails to explicitly teach drawing a line that intersects some of the graphic elements to select desired media from the media.

Iwema teaches a method for selecting graphical objects in systems similar to that of Morris. Furthermore, Iwema teaches drawing a line that intersects some of the graphic elements to select desired media from the media (taught as the use of a "freeform selection

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path" for selecting desired graphical objects, at col. 3, lines 46-60, usable with graphical objects such as icons and images, at col. 8, lines 49-60).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Morris and Iwema before him at the time the invention was made to modify the method of Morris to include the freeform selection of Iwema. One would have been motivated to make such a combination for the advantage of increased selection freedom and flexibility. See Iwema, col. 3, lines 28-37.

Regarding claim 5, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the freeform selection line of Iwema to include the claimed drawn arrow. Applicant has not disclosed that drawing an arrow provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the freeform selection line of Iwema because both the freeform selection line and claimed arrow perform identical functions (i.e. selecting desired media).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Morris and Iwema to obtain the invention as specified in claim 5.

Regarding claim 6, Iwema teaches drawing a line that intersects some graphic elements in a sequential order to select desired media, as a freeform line can inherently select objects in any order the user sees fit (col. 3, lines 46-60), and Morris teaches the displaying of the desired media including displaying the desired media in the sequential order, taught as the arranging of album pictures into a user-defined order through selection and drag-and-drop techniques (col. 13, lines 37-45).

Regarding claim 7, Morris teaches graphic elements including text objects that represent picture files, taught as the use of dialog boxes for image selection, including lists of available documents or files, at col. 1, lines 34-44.

Regarding claim 8, Morris teaches the desired media including images, where the displaying of the desired media includes collectively displaying the images in a sequential order, taught as the arranging of album pictures into a user-defined order through selection and drag-and-drop techniques (col. 13, lines 37-45).

Regarding claim 9, Morris teaches changing the sequential order of images in response to a user-initiated movement of one of the images to a new position among the images, taught as the arranging of album pictures into a user-defined order through selection and drag-and-drop techniques (col. 13, lines 37-45).

Regarding claim 10, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the freeform selection line of Iwema to include the claimed drawn arrow. Applicant has not disclosed that drawing an arrow provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the freeform selection line of Iwema because both the freeform selection line and claimed arrow perform identical functions (i.e. selecting desired media). Furthermore, a combination of the freeform selection tool of Iwema and the image ordering of Morris would result in displaying two images at adjacent positions when simultaneously selected and rearranged, as claimed.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Morris and Iwema to obtain the invention as specified in claim 10.

Regarding claim 11, Morris teaches sequentially displaying the images in a display region in the sequential order, taught as the arranging of album pictures into a user-defined order through selection and drag-and-drop techniques (col. 13, lines 37-45).

Regarding claims 12 and 15-17, limitations such as "changing said display region with respect to at least one of location and size of said display region in response to a user input", "resizing some of said images to fit in said display region", "resizing said display region to fit one or more of said images in said display region", and "selectively resizing said display region between a portrait format and a landscape format based on a format of a current image" are well-known in the art of windowed programs and image viewers. The examiner takes OFFICIAL NOTICE of these teachings. Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Morris and Iwema before him at the time of the invention to include the limitations of claims 12 and 15-17 in the windowed image viewer application of Morris and Iwema.

Regarding claim 18, Morris teaches displaying a list of filenames that represent images, (taught as the use of dialog boxes for image selection, including lists of available documents or files, at col. 1, lines 34-44) and displaying desired images corresponding to the filenames (taught as the display of selected media in an album, at col. 2, lines 12-22).

Morris fails to explicitly teach drawing an arrow that intersects some of the filenames to select desired images from the images.

Iwema teaches a method for selecting graphical objects in systems similar to that of Morris. Furthermore, Iwema teaches drawing a line that intersects some of the graphic elements to select desired media from the media (taught as the use of a "freeform selection path" for selecting desired graphical objects, at col. 3, lines 46-60, usable with graphical objects such as icons and images, at col. 8, lines 49-60). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the freeform selection line of Iwema to include the claimed drawn arrow. Applicant has not disclosed that drawing an arrow provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the freeform selection line of Iwema because both the freeform selection line and claimed arrow perform identical functions (i.e. selecting desired media).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Morris and Iwema before him at the time the invention was made to modify the method of Morris to include the freeform selection of Iwema. One would have been motivated to make such a combination for the advantage of increased selection freedom and flexibility. See Iwema, col. 3, lines 28-37.

Regarding claim 19, Iwema teaches drawing a line (arrow) that intersects some graphic elements (filenames) in a sequential order to select desired media, as a freeform line can inherently select objects in any order the user sees fit (col. 3, lines 46-60), and Morris teaches the displaying of the desired media including displaying the desired media in the sequential order, taught as the arranging of album pictures into a user-defined order through selection and drag-and-drop techniques (col. 13, lines 37-45).

Regarding claim 20, Morris teaches collectively displaying the images in a sequential order, taught as the arranging of album pictures into a user-defined order through selection and drag-and-drop techniques (col. 13, lines 37-45).

Regarding claim 21, Morris teaches changing the sequential order of images in response to a user-initiated movement of one of the images to a new position among the images, taught as the arranging of album pictures into a user-defined order through selection and drag-and-drop techniques (col. 13, lines 37-45).

Regarding claim 22, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the freeform selection line of Iwema to include the claimed drawn arrow. Applicant has not disclosed that drawing an arrow provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the freeform selection line of Iwema because both the freeform selection line and claimed arrow perform identical functions (i.e. selecting desired media). Furthermore, a combination of the freeform selection tool of Iwema and the image ordering of Morris would result in displaying two images at adjacent positions when simultaneously selected and rearranged, as claimed.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Morris and Iwema to obtain the invention as specified in claim 22.

Regarding claim 23, Morris teaches sequentially displaying the images in a display region in the sequential order, taught as the arranging of album pictures into a user-defined order through selection and drag-and-drop techniques (col. 13, lines 37-45).

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris, Iwema and Jojic et al (US Patent 7,152,209), hereinafter Jojic.

Morris and Iwema have been shown to teach a method for displaying a sequential media presentation involving image selection through use of a "freeform selection path".

Morris and Iwema fail to explicitly teach changing a display duration for a particular image displayed in a display region in response to editing a duration value by a user, the duration value being displayed along with the images that were collectively displayed, as well as the duration value being changed by the use of a graphic fader.

Jojic teaches a system for the sequential display of image files similar to that of Morris and Iwema. Furthermore, Jojic teaches changing a display duration for a particular image displayed in a display region in response to editing a duration value by a user, the duration value being displayed along with the images that were collectively displayed, as well as the duration value being changed by the use of a graphic fader, taught as the use of a playback speed bar allowing the user to adjust the display duration of images, at col. 3, lines 6-16.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Morris, Iwema and Jojic before him at the time the invention was made to modify the sequential media presentation of Morris and Iwema to include the playback speed bar of Jojic. One would have been motivated to make such a combination for the advantage of greater user control over a presentation.

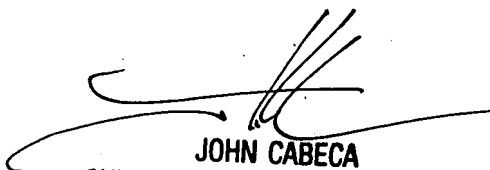
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571) 272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Roswell
9/26/2007



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